

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Jens Erik Sorensen,

NO. C 08-00095 JW

Plaintiff,

**ORDER DENYING MOTION TO  
RELATE CASES**

v.

Lexar Media, Inc. et al.,

Defendants.

Jens Erik Sorenson, as Trustee of Sorensen Research and Development Trust ("Plaintiff"), brings this action against Defendants, alleging, *inter alia*, patent infringement under 35 U.S.C. § 295. Presently before the Court is Plaintiff's motion to consider whether a later filed case, Sorensen v. Phillips Plastics, Case No. C 08-3094 MHP, should be related to this one. (Docket Item No. 44.) Due to the Court's unavailability, the motion was noticed for a hearing on September 8, 2008. The Court finds the matter appropriate for submission without a hearing or a need for further briefing.<sup>1</sup> See Civ. L.R. 7-1(b).


Under Civil Local Rule 3-12(a), cases are related if: (1) they "concern substantially the same parties, property, transaction, or events" and (2) it "appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges."

<sup>1</sup> Both Defendant Lexar and non-party Phillips Plastics have filed timely oppositions to Plaintiff's motion to relate. (See Docket Item Nos. 48, 50.)

1 The case currently before this Court and the case Plaintiff seeks to relate are filed against  
2 different defendants. While the cases involve allegations of infringement of the same patent,  
3 Plaintiff alleges infringement against a different product in each case. In the case before this Court,  
4 Plaintiff alleges the patent in question has been infringed in the manufacture and sale of Lexar's 128  
5 MB Media JumpDrive. (Complaint for Patent Infringement ¶ 10, Docket Item No. 1.) In Sorensen  
6 v. Phillips, the infringing products identified are Craftsman tape measures of various lengths.  
7 (Complaint for Patent Infringement ¶ 11, Docket Item No. 1.) Presumably the production processes  
8 for these infringing items are significantly dissimilar, and the Court would have to engage in  
9 substantially different infringement analysis in each case.

10 The Court finds that these cases do not concern substantially the same parties, property,  
11 transaction, or events within the meaning of Local Rule 3-12(a) and that judicial economy will not  
12 be achieved by relating these cases. Accordingly, the Court DENIES Plaintiff's Motion to Relate  
13 Cases.

14  
15 Dated: July 25, 2008

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 James Michael Kaler michael@kalerlaw.com  
3 Jared Bobrow jared.bobrow@weil.com  
4 Kimberly K. Dodd kdodd@foley.com  
5 Melody Ann Kramer mak@kramerlawip.com

6 **Dated: July 25, 2008**

**Richard W. Wieking, Clerk**

8 **By: /s/ JW Chambers**

9 **Elizabeth Garcia**  
10 **Courtroom Deputy**